

# Firm Leader

## SUSTAINING PRACTICE STYLES

by Timothy G. Leishman

LAWYERS LIKE TO SAY THAT LAW FIRMS ARE POPULATED WITH “FINDERS, MINDERS, AND GRINDERS.” “FINDERS” BRING IN NEW CLIENTS; “MINDERS” BUILD LONG-TERM RELATIONSHIPS WITH CLIENTS ONCE IN THE DOOR; AND “GRINDERS” GRIND OUT THE WORK. THIS ARTICLE OFFERS A NEW MODEL FOR IDENTIFYING THE DIFFERENT TYPES OF PARTNER-LEVEL CONTRIBUTIONS FOUND IN SUCCESSFUL FIRMS. THESE DIFFERENT TYPES OF CONTRIBUTIONS ARE REFERRED TO AS “SUSTAINING PRACTICE STYLES.” THE MODEL CAN HELP MANAGING PARTNERS AND OTHER PRACTICE LEADERS SORT THROUGH ISSUES IN THE CRITICAL AREAS OF COMPENSATION AND PROFESSIONAL DEVELOPMENT.

Although the finders-minders-grinders description of lawyers has had a certain appeal over the years, it provides little help for managing partners and other practice leaders who must sort through different types of contributions in order to allocate compensation and guide professional development.

Take “finders,” for example. Law firms intent on achieving competitive advantage would like to accelerate the development of the next generation of their rainmakers. However, the challenge is that business generators seem to come in all sorts of shapes and sizes. Some win new clients by networking in the community. Others attract business with leading reputations for specialized expertise. A third type of business generator neither networks in the community nor relies on widely acknowledged expertise. This

type of lawyer brings in new clients when existing client contacts switch organizations. Is this third type of “finder” simply a lucky “minder”?

How should a managing partner counsel younger lawyers on how to become business generators when there appear to be many different approaches? How should a firm weigh the relative contributions of these different types of “finders” for compensation purposes?

And who wants to be a “grinder?” It is tempting to assume that “grinders” simply are associates paying their dues on the way to becoming “minders” and, eventually, “finders.” But law firms need a number of

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senior technical specialists in order to compete at the leading edge. Must all “grinders” aspire to be “minders” or “finders?”

### EXPERTISE AND RELATIONSHIPS — A WINNING COMBINATION

The success of any lawyer’s practice reflects a combination of the lawyer’s talents and achievements in two areas: expertise and relationships. Expertise includes legal expertise, of course, which is at the heart of being a lawyer, and it also includes business expertise (or, more broadly, expertise in the client’s domain, which could be government, nonprofit, etc.). Relationships include relationships established with clients, who feed the practice, and also with colleagues on whom

the lawyer must rely to help service the needs of clients.

Admission to partnership in most firms requires certain minimum standards of both expertise and relationship skills. Once those standards are met, differences in sustaining practices will reflect each individual’s particular blend of talents and achievements in the two areas of expertise and relationships.

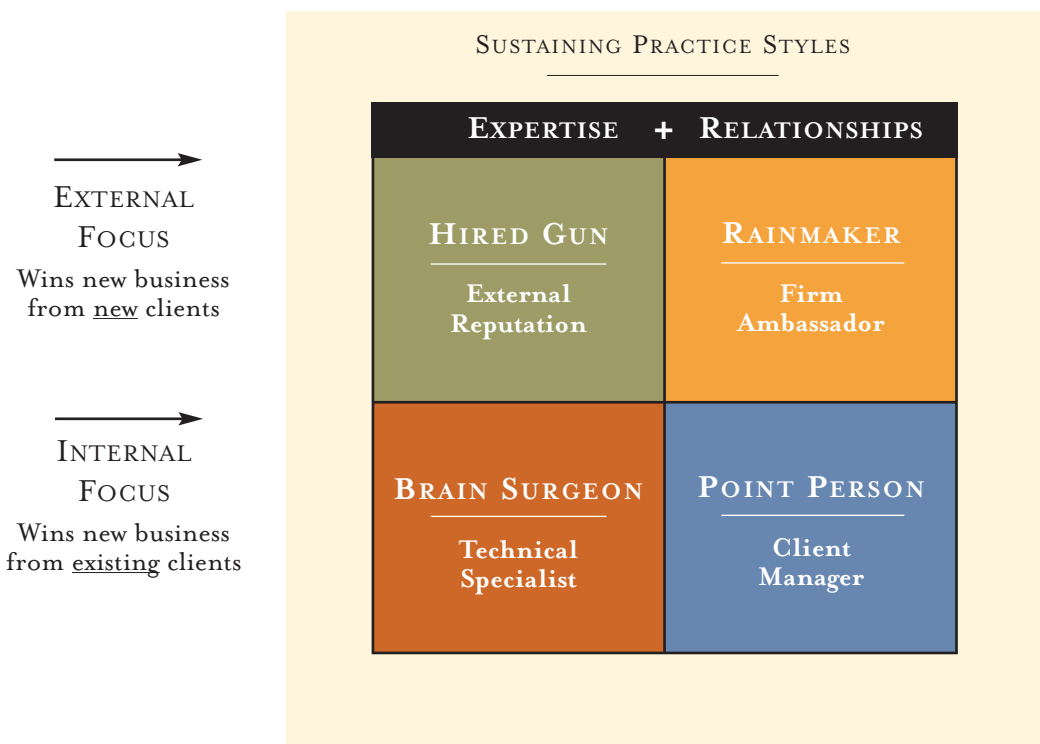
### PRACTICE STYLES

**Figure I** sets out four sustaining practice styles that result from mapping two dimensions against one another. The first dimension divides lawyers according to whether their leading strengths and talents lie more — relatively — in the area of expertise or in the area of relationships. The second

dimension is based on the observation that some lawyers tend to focus their attention outside the firm, while others are more comfortable focusing their attention primarily within the firm. For example, some lawyers with talent for relationship skills have large networks of contacts outside the firm, whereas others with talent for relationship skills have smaller networks of contacts among existing clients and colleagues within the firm.

Among lawyers with special talents in the area of expertise, some are focused on building a reputation for themselves outside the firm. Others are less concerned about an external profile because most of their “clients” are lawyers within the firm who recognize their special expertise.

FIGURE I



As described in Figure 1, lawyers with an external focus — relatively — tend to win new business from new clients, whereas those with more of an internal focus attract new business primarily from existing clients.

The sustaining practice style that results from a relative strength in relationship skills combined with an external focus is the stereotypical “Rainmaker.” The Rainmaker has a knack for winning new business from new clients through networking. A relative strength in relationship skills combined with an internal focus characterizes the “Point Person.” This type of lawyer often has responsibility for managing a major client and will focus on developing new business from that existing client.

A relative strength in expertise — as opposed to relationships — produces the “Hired Gun” when combined with an external focus and the “Brain Surgeon” when combined with an internal focus. Like the Rainmaker, the Hired Gun has a knack for winning new business from new clients but does so on the basis of a reputation as a specialist rather than through networking. The Brain Surgeon does not bring in much new business directly; however, the Brain Surgeon makes it possible for colleagues operating in the other sustaining practice styles to bring in new work.

The leaders in any firm may appear to play all four roles. They may attract new work in some cases because of a relationship and in other cases because of a reputation for legal expertise. They may be responsible for managing major clients and often are consulted to resolve difficult legal issues. However, if one examines the early years of their careers, one will see that the leaders usually climbed the ladder of success by relying on one of the four styles more than the others. That predominant style reflects their particular strengths and talents.

### The Rainmaker

Rainmakers are ambassadors for their firms in the community. They may sit on a number of boards of directors. They often are involved in political or charity fundraising campaigns. They network and entertain. They use their natural people skills to target and cultivate relationships with individuals who are in a position to bring work to their firms, either in the short or long term. Successful Rainmakers also must be excellent lawyers. Without legal expertise, they would not be able to create the strong, advisory relationships that they do create with clients.

The most valuable contribution that a Rainmaker can make to a firm is the generation of new business from new clients. Although the majority of new business in any firm usually comes from existing clients, every

firm needs new clients for growth and renewal.

Hired guns also attract new clients, but those new clients usually seek out the Hired Gun for specialized expertise to solve particular problems, often with little prospect of an ongoing relationship. Rainmakers have a knack for finding new clients with long-term potential. Rainmakers also contribute to the firm by keeping a finger on the pulse of the market, outside the firm’s regular client base.

Rainmakers are a rare breed. Large firms may have only a handful of true Rainmakers. Smaller firms may have only one Rainmaker, who often is the firm’s founder and leader. Strategically, a firm must worry about what happens when their Rainmakers leave or retire. Firms must have plans to recruit and develop new generations of Rainmakers because they are so rare.

The principal reason for the relatively small number of Rainmakers is that, during the early years of their careers, their special talents for applying relationship skills in the outside community are underappreciated by law firms. The emphasis in the early years of practice is on technical expertise, which provides an advantage to those with natural talents in the area of expertise. Budding Rainmakers — who may have very good, but not exceptional, technical skills — notice that their exceptional

talents in people skills are valued more in the business community. When they leave a firm for a career in business, colleagues often downplay the loss saying he or she “wasn’t going to be a great lawyer anyway.”

### **The Point Person**

The Point Person plays a critical role in any firm that values ongoing relationships with clients. A lawyer in this role has a particular talent for serving the major client, including understanding the client’s needs and marshalling the firm’s resources to meet those needs. They also have natural talents for bringing out the best in their colleagues. Often they are popular as managers within the firm.

The most valuable contribution that the Point Person makes to a firm is to cultivate ongoing relationships with the firm’s most important clients. In most firms, 80 percent of the revenue comes from 20 percent of the clients. As well, successful firms enjoy a low turnover year to year in the top 20 percent of their clients. The value of the Point Person is confirmed by firms that look at the numbers and realize that it is many times more expensive to win business from new clients than it is to generate business from existing clients. It is not unusual to see a Point Person spending the vast majority of his or her time working for only one client.

The Point Person also brings in new clients, but usually not as a result of networking in the community like the Rainmaker. The Point Person has a talent for earning the trust of senior people within client organizations. When those individuals move to new organizations, they often look for the first opportunity to shift the legal work of the new organization to the trusted Point Person.

A firm usually has many more Point Persons than Rainmakers (but it is worth emphasizing that a Point Person can be just as valuable to a firm as a Rainmaker). The principal reason why more Point Persons survive the early years of practice than do Rainmakers is that the Point Person’s exceptional talents for people skills are focused primarily within the firm. Point Persons are great team players, which is recognized and rewarded in successful firms. Would-be Point Persons have a knack for making themselves indispensable as members of existing client teams.

### **The Hired Gun**

The Hired Gun’s success is based on specialized expertise that is recognized in the community—especially among colleagues at the bar. The Hired Gun often builds his or her profile in an area of expertise by writing articles and books and speaking at conferences or teaching at law schools. They also participate on bar association committees and

task forces in their areas of expertise and seek out temporary appointments with regulatory authorities.

The typical Hired Gun is the litigation lawyer who has built a reputation on winning cases. But Hired Guns flourish in any area of the law in which special expertise is required to solve high stakes problems. For example, Hired Guns are found among insolvency, tax, corporate finance, and intellectual property lawyers. When potential clients have a bet-the-farm type of problem, such as material litigation or a takeover bid, they seek out the best. Clients find Hired Guns, rather than the other way around. Although clients also make unsolicited approaches to Rainmakers or Point Persons, they will do so usually because they happened to ask for a recommendation from a person with whom the Rainmaker or Point Person already had a relationship.

The Hired Gun makes two critical contributions to a firm. First, the Hired Gun attracts new business from new clients based on his or her reputation in the community. Second, the acknowledged reputation of the Hired Gun adds to the luster of the firm’s overall reputation. Although the adage that “clients hire individual lawyers, not firms” is true for the most part, being a member of the right sort of firm is a prerequisite for most potential clients. Hired Guns

help to establish and renew the firm's reputation in the market in which the firm competes.

Usually, there is room for quite a few Hired Guns in any successful firm. Indeed, the most conventional way to create a sustaining practice is to build a reputation for having a particular legal expertise. As well, the technical expertise that is the leading strength of a Hired Gun is rewarded and encouraged in the early years of a legal career.

Successful Hired Guns also must have good relationship skills. Without relationship skills, Hired Guns (and Brain Surgeons) can alienate clients and colleagues. When this alienation occurs, the Hired Guns may be able to keep themselves busy by attracting new clients, but often they lose the opportunity to leverage their sustaining practices by winning repeat business or generating work for colleagues. It should be noted that although Hired Guns can be outstanding as advocates, the people skills underlying advocacy are not necessarily consistent with building relationships.

### **The Brain Surgeon**

Brain surgeons are the quintessential specialists, who often are "too busy" to worry about building a profile outside the firm. They are found in traditional specialty departments such as tax and pensions. As well, Brain Surgeons flourish in any

practice area of a firm that is critical to the firm's competitive advantage. For example, if a firm competes in the area of corporate finance, it needs Brain Surgeons to keep the firm at the cutting edge in the industry by structuring new financing vehicles. If a firm competes for major transactions, it needs transaction specialists to get the deals done.

Brain surgeons have a particular talent for "R&D" of new legal "products." Any firm that competes on the basis of value, as opposed to cost, must have Brain Surgeons. It is true that clients often assume that any number of firms are capable of producing the same quality of work, and what they really look for is quality of service (the specialty of Point Persons). However, sophisticated clients will recognize, and pay premiums for, legal work that solves "unsolvable" problems or helps them develop their business in creative, new directions (the specialty of Brain Surgeons).

The principal clients of Brain Surgeons are other lawyers in the firm, who appreciate the special talents of the Brain Surgeon. From time to time, a Brain Surgeon will attract new business from an existing client who also has come to appreciate the Brain Surgeon's special talents. For the most part, firms should not expect Brain Surgeons to originate significant amounts of new business directly. However, firms intent on achieving a competitive advantage would be

naive to ignore the indirect influence of Brain Surgeons on the generation of new business.

Like Rainmakers, Brain Surgeons are a rare breed. In the early years of practice, would-be Brain Surgeons flourish because of the understandable emphasis in recruitment on academic marks and the practice demands for research and technical skills. However, in order to be successful in the long term, Brain Surgeons must prove themselves to be not only among the smartest of their colleagues, but also capable of breaking new legal ground and setting new quality standards on a continuing basis. The odds of carving a niche in a firm as a Brain Surgeon usually are not as good as the odds of establishing a sustaining practice as a Hired Gun.

### **USING PRACTICE STYLES TO MAKE COMPENSATION DECISIONS**

Many law firms make the mistake of admitting lawyers to the partnership when they reach the partnership window simply because the lawyers have consistently demonstrated excellent legal skills and worked hard. Unfortunately, unless these lawyers operate at the leading edge (or develop in accordance with one of the other sustaining practice styles), they soon become too senior and too expensive to be supported by their colleagues.

**Figure 2** summarizes the contributions made by each of the four sustaining practice styles. The key point is that the early success (or sustaining practice) of any lawyer has its roots in the leading strengths and talents of that lawyer, which tend to fall within one of the four sustaining practice styles. Once a lawyer hits a certain threshold of success, the lines between the styles may blur and he or she may appear to operate within each of the four styles.

Judging the four sustaining practice styles for compensation purposes is like comparing apples to oranges to bananas to pears. At one level they all are fruit in the same basket and ought to be judged for their appeal as such, but at another level they all are different. Similarly, partners must be judged on overall contribution to the firm, but the key to sorting out compensation issues is to recognize that different sustaining practice styles generate different sorts of contributions. Problems arise, for example, when apples

are told (or are led to believe) that they ought to be bananas or oranges or pears — or all four at the same time!

Individual members of a compensation committee sometimes succumb to the human tendency to judge others in one's "own image." For example, a Rainmaker on a compensation committee may believe that origination of new business should count the most, which is relatively easy to measure (and sometimes tracked as

FIGURE 2

SPECIAL CONTRIBUTIONS OF THE  
SUSTAINING PRACTICE STYLES

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|---|--|
| <p style="text-align: center;"><b>HIRED GUN</b></p> <hr style="width: 20%; margin: auto;"/> <ol style="list-style-type: none"> <li>1. Attracts new business from new clients (based on specialized expertise — often one-off matters)</li> <li>2. Enhances the firm's reputation for expertise in the legal market in which the firm competes</li> </ol> <p style="text-align: center;">Business Development Strength:<br/><b>MARKETING</b></p> | <p style="text-align: center;"><b>RAINMAKER</b></p> <hr style="width: 20%; margin: auto;"/> <ol style="list-style-type: none"> <li>1. Wins new business from new clients (based on networking — potential for long term relationships)</li> <li>2. Ambassador of the firm — keeps finger on pulse of the market</li> </ol> <p style="text-align: center;">Business Development Strength:<br/><b>NETWORKING</b></p>                       |
| <p style="text-align: center;"><b>BRAIN SURGEON</b></p> <hr style="width: 20%; margin: auto;"/> <ol style="list-style-type: none"> <li>1. Pushes the firm to the leading edge of expertise — does work that few others can do</li> <li>2. Indirectly enables colleagues to win new business — "clients" often are colleagues</li> </ol> <p style="text-align: center;">Business Development Strength:<br/><b>"R &amp; D"</b></p>                | <p style="text-align: center;"><b>POINT PERSON</b></p> <hr style="width: 20%; margin: auto;"/> <ol style="list-style-type: none"> <li>1. Manages major client accounts and cements long term relationships</li> <li>2. Wins new business from existing clients — and from new clients when existing contacts switch organizations</li> </ol> <p style="text-align: center;">Business Development Strength:<br/><b>CLIENT SERVICE</b></p> |

“origination credits”). A Point Person might argue in favor of overall responsibility for work performed, which can be measured in terms of total billings adjusted for realization rates (i.e., the ratio of the value of time docketed to the amount actually billed) or other profitability measures.

A Hired Gun on a compensation committee might say that an acknowledged reputation as a leader in one’s field is most important because it generates new business for the Hired Gun, which can be measured immediately, and enhances the firm’s profile for the benefit of others. Finally, the Brain Surgeon may lobby for legal “merit” (or quality of work) as the key factor, which can be measured through a canvass of peers in the firm.

New business, responsibility for work performed, reputation in the community and legal merit all are important measures of contribution. Other important factors include client satisfaction (often not measured), billable hours (the easiest to measure), development of junior lawyers (harder to measure), pro bono work, and other non-billable activities (some of which often are not measured), including business development of various kinds, firm management and so on. Seniority and historical contributions also have an influence.

For the most part, the natural biases of members of a

compensation committee tend to “come out in the wash.” Usually, the bottom-line numbers proposed by the committee are right because the stakes are high and the committee makes sure it balances all available information. The real problem lies in the mixed messages that are sent to, and received by, lawyers looking to relative compensation as the ultimate yardstick of their achievements and influence within the firm. These lawyers assess their relative placements through the lenses of their respective sustaining practice styles.

For example, a Brain Surgeon and a Rainmaker sitting side by side on the percentage list are liable to look at each other and feel there has been some mistake. The Brain Surgeon is likely to denigrate the legal talents of the Rainmaker (a “glorified salesperson . . . better make sure the insurance is up to date”). And the Rainmaker is likely to feel underappreciated in comparison to a Brain Surgeon (“if it weren’t for me, there would be no work in the first place”). The reality, of course, is that the four styles are closely interdependent in any successful firm.

The natural biases of lawyers trying to determine where they stand are compounded by the tendency of compensation committees to rationalize their decisions by focusing on shortcomings. Lawyers are very good at finding faults. A “scorecard” approach to partner

review, which implicitly requires lawyers to excel in each of the compensation criteria, can result in the over-emphasis of weaknesses and underappreciation of strengths.

Of course, it is critical to deal with shortcomings that are causing problems. The issue is whether a firm will get more from its members (its “assets”) by championing their strengths and talents or chipping away at their relative weaknesses.

Even worse than mixed communication is no communication at all. Lawyers left to “read the tea leaves” of the percentage list may draw all sorts of misguided conclusions that subtly can wreak havoc in a law firm. The following are some examples of misguided incentives that can be launched by a focus on shortcomings or the “tea leaves” approach.

Rainmakers who believe that their legal skills are being impugned, or that billable hours are the only things that matter, try to rack up more billable hours. If Rainmakers work too many billable hours, they have no time to do what they do best — which is find new clients.

Rainmakers should be rewarded for involving Point Persons with new clients as soon as possible, and discouraged from hanging onto clients in order to chalk up billable hours.

Point Persons may get the message that the only thing that

matters is bringing in new clients. They are hypersensitive to the whispers of cynics who say “it is easy to keep busy when a major client is handed to you on a platter.” Rather than spend their nonbillable time investing in existing client relationships (which is what they do best), misguided Point Persons may spend a couple of hundred hours writing articles to recast themselves as Hired Guns (usually with little return on the effort).

Hired Guns may get the message that a position in firm management is the ultimate acknowledgment of their influence. Just as leadership is not the same as management, being the best lawyer does not mean that one will be the best firm manager. Hired Guns ought to be doing what they do best — which is practicing law.

The worst consequences occur when junior partners believe that they must do it all. As described above, the top lawyers in a firm may appear to be able to do it all, but usually they climbed the ladder of success by relying on the sustaining practice style that reflects their leading strengths and talents. Junior partners can become paralyzed if they believe that their self-worth depends on excelling in an area where they lack natural talents. A young Brain Surgeon, for example, can unravel under the stress of believing that he or she must bring in new business, be a client manager, and create a leading reputation in the community — all before the next compensation setting.

Because compensation serves as a proxy for a basket of contribution criteria, firms must take care to translate the bottom-line numbers into appropriate messages — and take extra care to double-check that the messages intended to be sent are the ones actually received.

#### ENCOURAGE DEVELOPMENT WITHIN EACH PRACTICE STYLE

From time to time, members of firms will argue over whether it is better to encourage young lawyers to be specialists or generalists (within their areas of practice). On the one hand, clients seem to demand ever higher levels of sophistication (i.e., they want to be able to call a lawyer who knows the answers immediately). On the other hand, breadth of experience in a lawyer can make it possible for

clients to refer all their issues to that lawyer (who then exercises the judgment as to when to bring in specialists).

The model of sustaining practice styles suggests that it may make more sense for some lawyers to specialize (e.g., Hired Guns and Brain Surgeons, perhaps) and for others to be generalists (e.g., Point Persons and Rainmakers). The bottom line is that firms should be careful about prescribing “one size fits all” guidelines for the professional development of their young lawyers.

Nonbillable time is another area where prescribing “one size fits all” guidelines can lead to a waste of resources. **Figure 3** sets out differences in nonbillable time and priorities that might be appropriate for the four

FIGURE 3

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| <p><b>HIRED GUN</b></p> <p>Nonbillable allocation:<br/>20% to 30%</p> <p>PRIORITIES: Writing articles and client memos; speaking at conferences</p>            | <p><b>RAINMAKER</b></p> <p>Nonbillable allocation:<br/>25% to 50%</p> <p>PRIORITIES: Networking and entertaining; boards of directors; community causes</p> |
| <p><b>BRAIN SURGEON</b></p> <p>Nonbillable allocation:<br/>10% to 20%</p> <p>PRIORITIES: “R&amp;D” (most should be billable); firm precedents and opinions</p> | <p><b>POINT PERSON</b></p> <p>Nonbillable allocation:<br/>15% to 25%</p> <p>PRIORITIES: Getting to know client; organizing client events</p>                |



sustaining practice styles. Just as writing an article may not be the most valuable investment of nonbillable time for a Point Person, learning how to play golf may not make sense for a Brain Surgeon. Firms must take care to counsel their young lawyers in the appropriate use of nonbillable time.

Firms also must discourage sniping among lawyers who are investing their time appropriately but in different ways. For example, the Point Person's time spent organizing client events should not be denigrated by Hired Guns as "soft" nonbillable time in comparison to writing articles. Brain Surgeons must not gripe when the Rainmaker records only 1,300 billable hours (with 900 nonbillable) in comparison to the Brain Surgeon's 2,000 billable hours (with 200 nonbillable). An effective approach to professional development can be to put lawyers in front of opportunities that will stretch their abilities. Some people refer to this approach as "sink or swim." This approach works well when the supervising lawyer knows that the junior lawyer has all the ability needed to swim and is lacking only in experience. The approach does not work so well, of course, when the junior lawyer sinks.

A common mistake made in professional development is to confront lack of ability by prescribing a test of the ability (i.e., throwing a lawyer in the water when one knows it is not just experience that the lawyer may be lacking). For example, the "powers-that-be" may notice that an up-and-coming Brain Surgeon or Hired Gun is not so talented with people. In order to "round out" the lawyer they assign him or her responsibility as a client manager for an important client or as a practice group leader within the firm. The theory is that the lawyer will have no choice but to learn the people skills necessary to be successful.

All too often, the up-and-coming Brain Surgeon or Hired Gun, who always has earned accolades and respect for his or her legal work, begins to attract criticism as a client manager or practice group leader. In other words, they begin to sink. Not only is the experiment questionable as an investment of the lawyer's time, given his or her relative talents in the area of expertise, the blow to his or her confidence and self-esteem may actually set them back in the development of their area of expertise.

In dealing with the challenge of customizing professional development firms should examine the two approaches suggested by the model of sustaining practice styles. First,

lawyers should be guided to develop in accordance with their relative strengths and talents. A style will point to a "ladder of success" to climb. Once a certain threshold of success (or sustaining practice) is attained, the lines between the styles may blur, and the lawyer may operate out of all four styles. Conversely, the successful lawyer may continue to develop as an exemplar of his or her preferred style.

Second, firms should learn to identify the natural abilities and talents that are associated with certain practice styles and learn from lawyers with those abilities so that those abilities can be developed in others. Each of the four styles generates partner-level contributions. Firms that appreciate and develop the respective strengths and talents of the four sustaining practice styles will flourish with representatives of each of the styles working together interdependently.

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